

08cv 516

DISTRICT OF DELAWARE

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Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

OFFICE BUSINESS

SLV

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PAMELA J. BERGMANN,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 08-516-SLR
)	
CORPORAL HANNA, CO J.J. KING,)	
and LT FREE,)	
)	
Defendants.)	

ORDER

1. The plaintiff Pamela J. Bergmann, SBI #175662, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Based on the plaintiff's submissions, her request to proceed in forma pauperis is granted. Pursuant to 28 U.S.C. § 1915(b), the plaintiff shall be assessed the filing fee of \$350.00. The Court has determined that the **plaintiff has no assets and no means to pay the initial partial filing fee, nevertheless, any money the plaintiff later receives will be collected in the manner described below.**

3. The plaintiff shall, within thirty days from the date this order is sent, complete and return to the Clerk of Court, the attached authorization form allowing the agency having custody of him to forward all payments required by 28 U.S.C. § 1915(b)(2) to the Clerk of the Court. **FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM TO THE CLERK OF COURT WITHIN THIRTY DAYS FROM**

THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION.

4. The plaintiff shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's prison trust account and absent further order of the Court, the Warden or other appropriate official at Sussex Community Correctional Center, or at any prison at which the plaintiff is or may be incarcerated, shall forward payments from her account to the Clerk of the Court each time the amount in the account exceeds \$10.00 until the filing fee is paid.

NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.

5. Pursuant to 28 U.S.C. § 1915(g), if plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny plaintiff leave to proceed in forma pauperis all future suits filed without prepayment of the filing fee, unless the Court determines that plaintiff is under imminent danger of serious physical injury.

DATED: 8/21/08


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PAMELA J. BERGMANN,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 08-516-SLR
)	
CORPORAL HANNA, CO J.J. KING,)	
and LT FREE,)	
)	
Defendants.)	

AUTHORIZATION

I, Pamela J. Bergmann, SBI #175662, request and authorize the agency holding me in custody to disburse to the Clerk of the Court all payments pursuant to 28 U.S.C. § 1915(b) and required by the Court's order dated _____, 2008.

This authorization is furnished to the Clerk of Court in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$350.00. I also understand that the entire filing fee may be deducted from my trust account regardless of the outcome of my civil action. This authorization shall apply to any other agency into whose custody I may be transferred.

Date: _____, 2008.

Signature of Plaintiff

UNITED STATES DISTRICT COURT

DELAWARE

District of

Plaintiff

v.

Defendant

NOTICE, CONSENT, AND ORDER OF REFERENCE –
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

Case Number:

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____,
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c)
and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.

Other Orders/Judgments

1:08-cv-00516-SLR Bergmann et al v. Hanna et al

PaperDocuments

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 8/22/2008 at 1:05 PM EDT and filed on 8/22/2008

Case Name: Bergmann et al v. Hanna et al

Case Number: 1:08-cv-516

Filer:

Document Number: 4

Docket Text:

ORDER granting Motion to Proceed IFP. Filing Fee of \$350.00 Assessed. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form)(Notice of Compliance deadline set for 9/24/2008.). Signed by Judge Sue L. Robinson on 8/21/2008. (nmf)

1:08-cv-516 Notice has been electronically mailed to:

1:08-cv-516 Notice has been delivered by other means to:

Pamela J. Bergmann
SBI# 175662
Sussex Community Correctional Center (SCCC)
23207 DuPont Boulevard
Georgetown, DE 19947

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=8/22/2008] [FileNumber=618704-0]
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